

REMARKS

Claims 1, 3-11, 13-17, 20-23, 25, and 26 are pending in the present application. Claims 2, 12, 18, 19, and 24 are withdrawn by Examiner pursuant to 37 CFR 1.142(b).

I. 35 U.S.C. § 121

The Office Action requires a restriction to one of the following sets of claims:

I. Claims 1, 3-11, 13-17, 20-21

II. Claims 22-23, 25, 26

In response to the Restriction Requirement, Applicant provisionally elects invention 1, claims 1, 3-11, 13-17, 20-21, with traverse. Applicant's traversal is based on the following argument.

In requiring restriction, Examiner states,

Inventions of groups I and II are related as product and process of use, respectively. The inventions can be shown to be distinct if either or both of the following can be shown: . . . (2) the product as claimed can be used in a materially different process of using that product (MPEP sec. 806.05(h)). In the instant case, the product as claimed can be used in a materially different process of using that product, such as, a process not including "translating and rotating simultaneously," for instance.

Applicant respectfully submits that for at least some of the claims, for example, claims 16 (Group I) and 22 (Group II), Examiner's reasoning for imposing restriction does not apply. Claim 16 states:

16. (Original) A data storage library, comprising:
first, second, third, and fourth storage arrays for holding data storage elements, all four storage arrays being substantially parallel to one another;
an access device capable of accessing data storage elements from the four storage arrays;
wherein when the access device is positioned to access storage elements from the

first storage array, the access device can be rotated substantially 180 degrees to access storage elements from the second storage array; and

wherein when the access device is positioned to access storage elements from the third storage array, the access device can be rotated substantially 180 degrees to access storage elements from the fourth storage array.

Claim 22 states:

22. (Original) A method of data storage, comprising:

positioning first, second, third and fourth storage arrays such that the four arrays are substantially parallel to one another, the second and third arrays being positioned substantially back-to-back and between the first and fourth arrays;

when a robotic picker is in a first orientation, translating the robotic picker along a path to access an individual data storage element from the first or fourth array; and

when the robotic picker is in the first orientation, translating the robotic picker along the path and rotating the robotic picker 180 degrees to access an individual storage element from the second or third storage array.

It is respectfully submitted that examining these claims together will not impose a serious burden on Examiner. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (MPEP 803).

With respect to claims 16 and 22, recited above, both claim four storage arrays substantially parallel to one another, with an access device capable of translating and also of rotating 180 degrees in order to access storage elements from opposite facing arrays. Though these inventions may be distinct as stated by Examiner, Examiner has not shown why a serious burden would be imposed if the claims were examined together. Applicant respectfully submits that no such serious burden exists, and respectfully requests that all pending claims in the present application be examined together.

II. Conclusion

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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